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TO:	FROM:
Examiner Quang Nguyen	Eustace P. Isidore, Reg. No. 56,104
ORGANIZATION:	DATE:
US Patent and Trademark Office	September 27, 2004
ART UNIT:	TOTAL NO. OF PAGES INCLUDING COVER:
2141	5
FAX NUMBER:	APPLICATION SERIAL NO:
703-872-9306	09/583,519
ENCLOSED:	ATTORNEY DOCKET NO:
Reply Brief	AUS990918US1

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**ATTY DOCKET NO.: AUS990918US1**

In re Application of:

DANIEL OTTO BECKER

Serial No.: 09/583,519

**Filed: May 31, 2000**

**For: DYNAMIC COMMAND SETS IN A  
COMPUTER MESSAGING SYSTEM IN  
A METHOD, SYSTEM AND PROGRAM**

www.pearsoned.com

Examiner: **NGUYEN, QUANG N.**

Art Unit: 2141

## REPLY BRIEF UNDER 37 C.F.R. 1.192

**Mail Stop Briefs - Patents**  
**Commissioner for Patents**  
**Washington, D.C. 20231**

Sir:

This Reply Brief is submitted in response to Examiner's Answer dated August 26, 2004. No fee is believed to be required to submit this Reply Brief. However, in the event any fees are required, please charge **IBM CORPORATION'S Deposit Account No. 09-0447**. No extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION'S Deposit Account No. 09-0447**.

### Certificate of Transmisssion/Mailing

*I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date shown below.*

*Typed or Printed Name: Shenise Ramdeen*

*Date: September 27, 2004*

*Signature*

**REMARKS**

This Reply Brief addresses arguments provided by Examiner in the Examiner's Answer dated August 26, 2004. Appellant incorporates by reference the arguments proffered in Appellant's Appeal Brief and Appellant reiterates that *Tyra* does not anticipate Appellant's claims because *Tyra* fails to teach each feature recited within Appellant's claims.

It does not appear that any new grounds of rejections were raised in the Examiner's Answer. However, Examiner did expand his reasoning for the rejections at page 9 and 10 of the Answer. Specifically, Examiner apparently ascribes a different meaning to Appellant's recitation of "function" without considering the context of the claim language itself. While Appellant clearly defines that term in the specification, it is the context of the claim language and not merely the specification) that Appellant relies on to differentiate the meaning of "function" from other implemented processes provided within the claims.

Examiner incorrectly states that the "function" refers to any software routing or procedure that performs a special task or operation. While that definition may apply to a generalized use of the term standing on its own, referring to a "server function identified by an executable... command name" while describing a loading (and other) process performed on the executable file indicates that the function is being described in the context of an executable operation that is a server-level executable rather than an operating system (OS)-level executable. The OS-level process (e.g., load, store, etc.) operates on a file rather than executes the underlying function of an executable file.

Appellant's exemplary claim 1 recites: (1) "initiate a particular ...server functions identified by an executable having a name synonymous with said command name; ...automatically load a class file ...; and dynamically executing functions ... associated with said class file."

Notably, the executable file is loaded before the underlying function is executed. Thus, processor or OS-operations (or processor or OS-functions as would be defined by Examiner) such as loading the class file have been clearly differentiated from a function that is performed

when the class file is executed. A clear reading of the entire claims, taking the various processor or OS-operations that are differentiated from the "server function" that is provided by executing a class file, would lead to a different conclusion than that reached by Examiner.

Also, *Tyra's* teaching of transmitting a request with a class name for a particular operation, such as a request for updates or trading stock, where the server executes processes on the actual request, (such as retrieving the identifier, manipulating the identifier, and comparing) are not synonymous with the executable being the same name as the command name that is transmitted. With *Tyra*, the name is a file name and the processing operations are performed on that file name, rather than executing the underlying/intrinsic function attributed to the executable process associated with that file name.

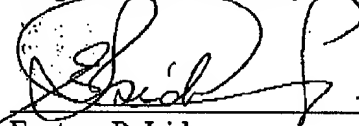
When read as a whole, the claims provides a clear context for the term "function" and differentiates that term from the processor and/or OS processes, which Examiner mischaracterizes as being synonymous to Appellant's claimed "functions." Performing operations on a filename, which happens to be the function name as well, is not synonymous with executing a sever-level (or server) function that is retrieved as a class file with a same name as the underlying function. Thus, no extrapolation is required beyond the claim language to comprehend the term within the claims, since the context is clearly laid out in the preceding claim language.

Appellant again respectfully requests that this case be remanded to the Examiner with instructions to issue a Notice of Allowance with respect to all pending claims.

**CONCLUSION**

Appellant has again pointed out with specificity the manifest error in the Examiner's rejections, and the claim language which renders the invention patentable over the reference. Appellant, therefore, respectfully requests that this case be remanded to the Examiner with instructions to issue a Notice of Allowance with respect to all pending claims.

Respectfully submitted,



Eustace P. Isidore

Reg. No. 56,104

Dillon &amp; Yudell LLP

8911 North Capital of Texas Highway  
Suite 2110

Austin, Texas 78759

512.343.6116

ATTORNEY FOR APPELLANT

APPEAL BRIEF

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